

**ORIGINAL**

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2       UNITED STATES DISTRICT COURT  
3       SOUTHERN DISTRICT OF NEW YORK

4       -----x  
5       MELISSA BASTIAN,

6                                  Plaintiff,  
7                                  - against -

8       NEW YORK CITY DEPARTMENT OF EDUCATION,  
9                                  Defendant.

10      CV No.: 13-CV-5792

11      -----x  
12      1461 Franklin Avenue  
13                                  Garden City, New York  
14                                  September 3, 2014  
15                                  10:04 a.m.

16  
17      Deposition of the Defendant, by GILBERTO  
18      GARCIA, pursuant to Notice, before Florence  
19      Syskrot, a Notary Public of the State of New  
20      York.

21  
22  
23      SANDY SAUNDERS REPORTING  
24      254 South Main Street, Suite 216  
25      New City, New York 10956  
  (845) 634-7561

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4 Attorneys for Plaintiff

5 1461 Franklin Avenue

6 Garden City, New York 11530

7 BY: JOSHUA BELDNER, ESQ.

8

9 NEW YORK CITY LAW DEPARTMENT

10 OFFICE OF THE CORPORATION COUNSEL

11 Attorneys for Defendant

12 100 Church Street

13 New York, New York 10007

14 BY: SEAN RENAGHAN, ESQ.

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1 Garcia

2 A. Basically yes.

3 Q. Are you currently employed?

4 A. Yes.

5 Q. Whom are you employed by?

6           A.       By the New York City Department  
7     of Education. I work as an Administrative  
8     Educator. And I'm the Director for Student  
9     Services for ESL and Assessment at what  
10   they -- at a network.

18 Q. The particular network that you  
19 work at right now, is it called something?

20 A. Yes. It is CEIPEACFN 535.

21 Q. Your position you said is  
22 Director of Student Services?

23 A. Yeah, for English As A Second  
24 Language and Assessments.

25 We serve 38 schools between

1 Garcia

2 Brooklyn and Queens.

3 Q. How long have you held the  
4 position of Director of Student Services for  
5 ESL and Assessments at -- I'm going to phrase  
6 it as this network?

7 A. I started in January of 2013.

8 Q. Have you held that position  
9 continuously from January 2013 to now?

10 A. Yes.

11 Q. Prior to January of 2013, where  
12 did you work?

13 A. I worked at A. Philip Randolph  
14 High School.

15 Q. That is a high school that is in  
16 Harlem?

17 A. West Harlem.

18 Q. How long did you work at A.  
19 Philip Randolph?

20 A. I would say, rounding it, close  
21 to five years.

22 I started in August of 2008. And  
23 I worked there until January 2013.

24 Q. Had you worked at A. Philip  
25 Randolph prior to August 2008?

1 Garcia

2 A. No.

3 Q. Prior to August 2008, where did  
4 you work?

5 A. I worked at a middle school.

6 Q. Where?

7 A. In Harlem, West Harlem.

8 Q. What position did you hold at  
9 that middle school?

10 A. I was the Bilingual Coordinator.

11 Q. How long did you work at that  
12 middle school?

13 A. I worked there from 2001 or 2002.

14 I'm trying to remember.

15 Q. You can estimate.

16 A. I believe it was 2002 I started  
17 working there. September 2002 until August  
18 2008.

19 Q. Most of my questions today will  
20 focus on the period of time that you worked at

21 A. Philip Randolph from August 2008 to January  
22 '13. Okay?

23 A. Yes.

24 Q. At Randolph what position did you  
25 hold at the time that you left?

1 Garcia

2           A.       I was the Assistant Principal for  
3 Security. That is how I was intially hired  
4 for, and Foreign Language.

5                   Then I acquired to be the -- also  
6                   the supervisor for one of the academies within  
7                   the school -- the school was divided by  
8                   academies -- which was the Engineering  
9                   Academy.

10 Q. How many students were there at  
11 the time you left Randolph?

12 A. I would say approximately 1400.

13 Q. You mentioned you were AP for  
14 Security and Foreign Language and also  
15 Supervisor for the Engineering Academy.

When you were initially hired in  
2008, were you hired into the AP for Security  
role?

19 A. Yes.

Q. Prior to August 2008, had you ever been an Assistant Principal before?

22 A. No. That was my first position  
23 as an Assistant Principal officially.

Q. At the time that you left in January 2013, the Principal of the school, was

1 Garcia

2 knowledge, those were all African American  
3 individuals?

4           A.       Some of them are mixed. To my  
5 understanding, some of them are from the  
6 islands, just like I am.

7                   Originally, I mean, I was born in  
8 New York. But my parents are from the  
9 islands.

10 Q. Who of those individuals are from  
11 the islands?

12 A. I don't remember offhand right  
13 now which one of them.

Q. They are all black, though?

15 A. I'm black.

16 Q. Well, you just mentioned -- you  
17 are from -- where were you born?

18 A. I was born in New York City.

19 Q. Your parents were born?

20 A. Dominican Republic.

21 Q. Do you identify yourself as  
22 Dominican?

A. I would say Dominican descent.

24 Q. Dominican American?

25 A. Yes.

1 Garcia

2 is a professional environment. I address  
3 people by their last name.

4 Q. Like Miss Bastian?

5 A. Yes.

6 Q. You wouldn't call her Melissa?

7 A. No.

8 Q. Do you recall a day years ago  
9 when you came to school wearing an Afro wig  
10 with a pick in it?

11 A. You say a day, right?

12 I recall half of my story. I  
13 recall for Halloween, I believe it was 2012.  
14 Yes. It was the last Halloween I was there,  
15 dressing up as a hippie, putting a wig on.

16 You said there was also  
17 something?

18 Q. A pick?

19 A. Like a comb, pick.

20 I don't remember putting a comb  
21 pick. And I didn't come dressed that way. I  
22 dressed actually in the afternoon.

23 Because that day we had a party  
24 for the students in the school. I promised  
25 them that I was going to dress up for the

1 Garcia

2 party. I was chaperoning for the party.

3 Q. Do you recall Miss Bastian saying  
4 anything to you that day --

5 A. No.

6 Q. -- about your manner of  
7 appearance?

8 A. NO.

9 Q. Do you recall anyone, whether  
10 Mr. Fanning or any other administrator,  
11 approaching you about your appearance that  
12 day?

13 A. NO.

14                   They were in shock, because I was  
15 always dressed with a suit and tie. So to see  
16 me dress down, with the glasses, the -- I got  
17 a peace chain, and the bell bottom pants, the  
18 shirt, and then the leather -- it was shocking  
19 for them to see me dress down that way.

20 Q. Did any other administrators that  
21 day dress down or dress up like you did?

22 A. No. I don't remember. I'm not  
23 saving they did not. I don't remember.

24 Q. At some point do you recall Miss  
25 Bastian complaining that you were playing your

## ACKNOWLEDGMENT

STATE OF NEW YORK )  
:ss  
COUNTY OF NASSAU )

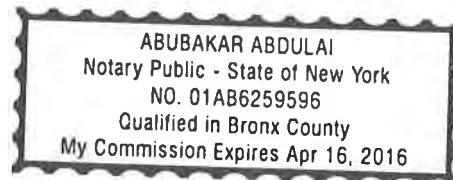
7 I, GILBERTO GARCIA, hereby certify  
8 that I have read the transcript of my  
9 testimony taken under oath in my deposition of  
10 September 3, 2014; that the transcript is a  
11 true, complete and correct record of my  
12 testimony, and that the answers on the record  
13 as given by me are true and correct.

Heit am 12/29/2044

GILBERTO GARCIA

20 Signed and subscribed to before  
me, this 29<sup>th</sup> day  
21 of December, 2014.

Notary Public, State of New York



12-29-14

1

## 2                   C E R T I F I C A T E

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STATE OF NEW YORK      )  
COUNTY OF NASSAU      ) ss.:

5

6                   I, FLORENCE SYSKROT, a Notary  
7                   Public within and for the State of New  
8                   York, do hereby certify:

9                   That GILBERTO GARCIA, the witness  
10                  whose deposition is hereinbefore set  
11                  forth, was duly sworn by me and that  
12                  such deposition is a true record of the  
13                  testimony given by such witness.

14                  I further certify that I am not  
15                  related to any of the parties to this  
16                  action by blood or marriage; and that I am  
17                  in no way interested in the outcome of  
18                  this matter.

19                  IN WITNESS WHEREOF, I have  
20                  hereunto set my hand this 11th day of  
21                  September, 2014.

22                  *Florence Syskrot*  
23

24                  -----  
25                  FLORENCE SYSKROT

1

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21 September, 2014.

22

Florence Aspinot

24

FLORENCE SYSKROT

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\$	5		
<b>\$5</b> 62:17 63:7	<b>535</b> 11:20	<b>affair</b> 30:2,23,25	<b>assume</b> 6:6 54:7 80:19
<b>\$5.50</b> 62:21	<b>55</b> 23:3 28:6	<b>affinity</b> 94:8,10	<b>assumption</b> 54:8
<b>1</b>	<b>8</b>	<b>African</b> 32:4,13, 18,19,23 34:2 70:3,20 71:25 72:10 77:7 78:13 83:24 84:7 93:24 94:5,7,10	<b>ate</b> 87:4,14,15 95:19
<b>10</b> 29:23	<b>8201</b> 4:13	<b>Afro</b> 102:9	<b>attend</b> 28:25 40:2 64:13
<b>100</b> 36:16	<b>830</b> 20:9	<b>afternoon</b> 102:22	<b>Attendance</b> 54:20,22
<b>105.9</b> 104:12	<b>831</b> 20:9	<b>age</b> 33:22 105:16	<b>attending</b> 39:3
<b>108</b> 36:16		<b>agree</b> 62:11 69:8, 15 74:11 93:22 94:6,20 101:22	<b>attention</b> 25:17 65:11 73:7,8 75:24 88:25 91:3,12 97:9 99:15
<b>11</b> 81:16,18		<b>ahead</b> 47:9	<b>attest</b> 70:19,23
<b>11416</b> 4:14		<b>aligning</b> 59:24	<b>attorney</b> 5:21,25
<b>12</b> 81:16		<b>allegation</b> 17:19, 23 26:21 29:19 60:3 67:13	<b>attorneys</b> 4:18
<b>121</b> 37:10		<b>allegations</b> 16:6, 7 23:3,7 26:14 28:6 30:9 35:4,8, 20	<b>August</b> 12:22,25 13:3,17,21 14:20 15:5 43:8,23
<b>13</b> 13:22		<b>alleged</b> 18:22, 30:23,25 81:12	<b>average</b> 16:17 100:12
<b>1400</b> 14:12		<b>allegedly</b> 72:23 74:8	<b>avoided</b> 58:8
<b>2</b>		<b>American</b> 32:13, 18,20,22,24 34:2, 24 38:15 70:20 71:25 72:10 77:7 78:13 83:25 84:8 93:24 94:5,10	<b>aware</b> 30:10 41:13 77:16 78:12,84:15 88:10 92:24 96:2, 9,14 97:2
<b>2000</b> 29:23			
<b>2001</b> 13:13			
<b>2002</b> 13:13,16,17			
<b>2007</b> 43:17			
<b>2008</b> 12:22,25 13:3,18,21 14:17, 20 15:5 23:8 40:5 42:8 43:5,8,14,24 85:19 86:7 93:12 96:25 97:24 98:5			
<b>2011</b> 55:12 56:13 71:4 72:22 81:15, 17			
<b>2012</b> 56:17 102:13			
<b>2013</b> 12:7,9,11,23 14:25 21:20 36:10			
<b>3</b>			
<b>3020</b> 10:6			
<b>3020A</b> 9:17			
<b>38</b> 11:25			
		<b>anger</b> 76:14	
		<b>annual</b> 20:7 99:25	
		<b>anonymous</b> 26:16 30:14	
		<b>answering</b> 58:24 61:6 67:10	
		<b>answers</b> 5:16	
		<b>anymore</b> 79:4	
		<b>AP</b> 14:13,17 20:11,13 21:10	
		<b>Associates</b> 49:7 50:21 52:8 55:13 56:18 57:21	
		<b>Association</b> 38:14	

<b>Bastian</b> 4:19 24:13 25:25 26:17, 20 27:7 33:24 60:15 61:7 68:20, 22,25 72:4 73:6 76:17 77:5,16 78:5,9,11 80:3,18, 23 83:24 84:4,15 85:22,25 86:24,25 87:4,12,14,17 89:10,24 90:13,18 91:19 92:5,25 93:13 95:3 96:13 98:5,20 99:18 100:15,24 101:9, 14,23 102:4 103:3, 25 104:6,20	<b>breakfast</b> 84:25 85:20,21 86:10,11, 12,14 89:3,23,25 90:9,11,16,17,23 92:3 93:8 98:22	<b>case</b> 4:19 6:3 8:20 27:15 30:17 39:9 59:25 75:15 95:18 96:12	<b>clerical</b> 49:22 <b>client</b> 24:11 <b>close</b> 12:20 53:22 100:17	66:24 67:17 68:14, 17,20,25
<b>Bastian's</b> 93:6 97:7	<b>bringing</b> 75:24 76:10	<b>Catechism</b> 95:20	<b>completely</b> 23:17 74:12	<b>completing</b> 83:7
<b>Batista</b> 51:10 53:7 57:16,17,18	<b>brought</b> 25:17 88:25	<b>caught</b> 99:15	<b>complex</b> 15:21	<b>composed</b> 33:12 38:7
<b>began</b> 99:4	<b>budget</b> 52:12,22	<b>cautious</b> 31:18	<b>concerned</b> 22:9, 12	<b>concerned</b> 22:9, 12
<b>beginning</b> 46:7 57:11 64:18	<b>building</b> 15:19, 20,24 37:14,15 38:6,7 100:2	<b>ceased</b> 23:11	<b>color</b> 33:4	<b>conclusion</b> 82:3
<b>behavior</b> 69:20	<b>Burke</b> 26:6,7,18 30:7 33:25 69:4	<b>CEIPEACFN</b> 11:20	<b>comb</b> 102:19,20	<b>conduct</b> 19:4
<b>Beldner</b> 4:7,18 6:22 44:9 66:21 68:23 87:9 105:7	<b>busy</b> 97:13,21	<b>central</b> 21:4,7	<b>comfortable</b> 29:6 58:23 59:5 64:11 65:12	<b>conducted</b> 83:17
<b>bell</b> 103:17	<b>butcher</b> 50:24 65:22	<b>Cespitus</b> 70:16, 19	<b>comment</b> 74:12 76:18 77:6 80:24 81:10,12 84:16 92:10 95:11 96:13, 25 97:4,7 98:6,19	<b>conducting</b> 16:3
<b>big</b> 29:24	<b>buy</b> 100:11	<b>chain</b> 103:17	<b>conference</b> 37:22 76:12,13	<b>conference</b> 37:22
<b>Bilingual</b> 13:10	<b>C</b>	<b>Chancellor's</b> 20:8	<b>confirmed</b> 87:7	<b>confirmed</b> 87:7
<b>black</b> 32:22 33:8 34:14,15 70:2 72:14 78:2 94:18, 22 95:6,12,22 96:3 97:6,25 98:7 99:4	<b>cabinet</b> 58:9	<b>change</b> 37:7	<b>connected</b> 95:14	<b>connected</b> 95:14
<b>board</b> 44:7 46:23 48:8,10,13,17	<b>cafeteria</b> 64:19, 21	<b>changed</b> 75:4 99:13	<b>connotation</b> 93:23 94:7 96:3,10 97:6 98:7,9	<b>connotation</b> 93:23 94:7 96:3,10 97:6 98:7,9
<b>book</b> 74:15,21	<b>Calcano</b> 44:14,21 45:7,11 46:2,6,11, 15	<b>channeled</b> 21:3	<b>Conquest</b> 85:6 89:4,5,18 92:22	<b>Conquest</b> 85:6 89:4,5,18 92:22
<b>born</b> 34:7,17,18, 19 41:17 105:10, 20,21	<b>call</b> 38:9 91:2 102:6	<b>chaperoning</b> 103:2	<b>considered</b> 22:24 23:2 59:23 62:18, 23	<b>considered</b> 22:24 23:2 59:23 62:18, 23
<b>bottom</b> 103:17	<b>called</b> 4:2 11:19 26:20 43:23 72:24 74:8 91:12	<b>charge</b> 71:11	<b>communication</b> 46:11 54:14	<b>consistency</b> 58:10
<b>bought</b> 100:3	<b>calling</b> 28:17	<b>charged</b> 93:19	<b>community</b> 48:21,23 49:7,15, 21,24 50:6,13,21 51:20 52:3,8,15	<b>constraints</b> 15:12
<b>Boulevard</b> 4:13	<b>card</b> 62:22	<b>Chavez</b> 100:9	<b>child</b> 18:8 75:25	<b>contacted</b> 28:7
<b>boxes</b> 49:19	<b>Cardi</b> 51:6 53:7	<b>chicken</b> 96:4,16 98:13	<b>children</b> 69:17	<b>content</b> 96:24
<b>break</b> 5:7,12 23:17,20,22 66:20,	<b>Casada</b> 51:13,14, 16,17	<b>City</b> 4:12,20 11:6, 15 34:18 105:10, 17	<b>choice</b> 88:18	<b>context</b> 31:20
	<b>Casarces</b> 53:8 65:21	<b>claimed</b> 33:20 67:21	<b>complain</b> 88:4	<b>continuously</b> 12:9 40:5
		<b>claiming</b> 33:15	<b>complained</b> 18:9 77:5 91:9,19 104:6,13	<b>conversation</b> 45:21 72:13 92:18 93:3,12 97:24 98:5
		<b>clarified</b> 89:16	<b>complaining</b> 26:2 91:11 103:25	<b>conversations</b> 32:24 33:3 45:18 67:23
		<b>clarify</b> 5:5 6:4	<b>complaint</b> 21:7, 17 67:18 68:7,8 77:14,16 80:2,18 81:2 84:15 92:25 93:7	<b>cooked</b> 60:6
		<b>clarity</b> 25:8	<b>complaints</b> 20:23,24 30:9,11	<b>Coordinator</b> 13:10

<b>corporal</b> 18:10	<b>Darius</b> 77:21	79:14 80:5	<b>districts</b> 11:14	<b>eating</b> 85:8,9 87:16 90:20 94:4, 17 95:4,5 96:4
<b>correct</b> 17:8,17 32:2,8,14 36:3,6 38:16 41:9,20 44:17 45:19 47:10, 15,17 49:8 52:9 53:4 55:13 56:18 59:9 65:5 68:3 69:10,21 71:5,9, 20,25 72:5,8,10 73:19 78:2 82:21 83:11 94:8 98:2	<b>darts</b> 31:8	<b>Deputy</b> 79:18	<b>diverse</b> 16:7 32:6, 16 39:18 58:11 64:17	<b>educated</b> 77:11
<b>correction</b> 97:8	<b>database</b> 21:4,7	<b>descent</b> 34:23 39:13 41:8,20 45:12 46:2 47:20 53:14 66:12	<b>divide</b> 33:8	<b>Education</b> 4:13, 21 5:22 11:7,11 48:25 50:4 62:25 63:6 69:23 74:14
<b>corrective</b> 71:15, 16 75:20	<b>date</b> 59:22	<b>description</b> 37:12 50:5 52:11	<b>divulge</b> 9:6	<b>Educational</b> 53:2
<b>cost</b> 62:23	<b>dates</b> 56:6	<b>designate</b> 17:25	<b>document</b> 73:24	<b>educator</b> 11:8 29:3
<b>Council</b> 40:8	<b>David</b> 7:12,13 15:2	<b>determine</b> 25:20	<b>documentation</b> 45:15	<b>educators</b> 40:2
<b>counseling</b> 35:11	<b>day</b> 54:25 84:19 85:18 87:12 91:20, 24 92:4 96:24 102:8,11,23 103:4, 12,21	<b>determining</b> 17:16 73:15	<b>documents</b> 8:4 84:20,21,22 91:5, 14,15,16,17 92:4, 14	<b>effect</b> 83:10
<b>Counselors</b> 61:11	<b>days</b> 80:7 104:5	<b>development</b> 39:8,23	<b>DOE</b> 53:2 100:5	<b>eighteen</b> 69:22
<b>country</b> 62:2	<b>dead</b> 97:12	<b>difference</b> 19:22, 25	<b>Dominican</b> 34:20,22,23,24 38:15 39:12,15 41:8,14,18,20	<b>eighty</b> 53:16 54:2 100:12
<b>couple</b> 80:7 98:23 104:5	<b>dealings</b> 83:23	<b>direct</b> 79:16,17	<b>Ellen</b> 22:6	<b>Ellen</b> 22:6
<b>courses</b> 82:14,24, 25 83:7	<b>Dean</b> 16:13 73:10 85:6	<b>directly</b> 55:4,5 60:17,18 61:14	<b>Elvin</b> 51:10	<b>Elvin</b> 51:10
<b>court</b> 5:17 25:8	<b>Deans</b> 16:14,18, 19 17:3 61:15 73:20	<b>Director</b> 11:8,22 12:4 52:24	<b>employed</b> 11:3,5 49:7	<b>employed</b> 11:3,5 49:7
<b>cousin</b> 29:20	<b>December</b> 55:12 56:13 59:17,18 81:15	<b>disciplinary</b> 9:17 10:8,24 16:2,5,9, 11 17:4,12 71:23 75:20	<b>end</b> 28:18 55:21, 23 56:12,16 57:14 59:18	<b>end</b> 28:18 55:21, 23 56:12,16 57:14 59:18
<b>cover</b> 61:3	<b>decision</b> 71:17	<b>discipline</b> 17:16 35:7,25 71:9 74:15,21 75:15 76:7 93:14	<b>Dominicans</b> 29:22	<b>engaged</b> 69:19, 24
<b>created</b> 31:5 48:25	<b>decisionmaker</b> 71:20	<b>disciplined</b> 35:16	<b>door</b> 68:12	<b>Engineering</b> 14:8,15 15:13
<b>credit</b> 83:6,9,12	<b>decreased</b> 65:9	<b>discriminated</b> 68:2,6	<b>dozen</b> 28:4	<b>English</b> 11:23 21:24
<b>credits</b> 83:13	<b>degree</b> 83:13	<b>discriminating</b> 67:22	<b>dress</b> 102:25 103:16,19,21	<b>enjoy</b> 62:6,8 63:20
<b>criminal</b> 29:4	<b>deliberately</b> 31:5	<b>discrimination</b> 20:4 33:16,20 67:4,17 68:14,25	<b>dressed</b> 102:21, 22 103:15	<b>entailed</b> 71:8
<b>CSA</b> 40:6,7	<b>deliver</b> 84:20 92:13	<b>discuss</b> 27:19 84:24 89:19	<b>dressing</b> 102:15	<b>entails</b> 16:2 49:17
<b>CSI</b> 68:10	<b>delivered</b> 84:21	<b>discussion</b> 6:23 87:10	<b>drills</b> 16:4	<b>entering</b> 21:6
<b>culture</b> 61:23 96:18	<b>Delroy</b> 9:8	<b>dismissal</b> 93:16	<b>Due</b> 15:11	<b>entire</b> 15:21 63:23
<b>current</b> 41:24	<b>Department</b> 4:12, 20 5:22 11:6,11 48:25 50:4 62:24 63:6 69:23 74:14	<b>dismissed</b> 86:4 88:2	<b>Dues</b> 39:4	<b>entrance</b> 36:21 37:2,13,14
<b>custom</b> 61:23	<b>departure</b> 43:25 46:9 57:19 83:20 104:19	<b>E</b>	<b>duly</b> 4:3	<b>environment</b> 22:13,14,18 102:2
<b>customarily</b> 21:17	<b>departures</b> 56:17		<b>duties</b> 15:10 71:8	<b>equal</b> 19:19 20:4 24:24 68:9
	<b>depends</b> 83:12			<b>equally</b> 70:6
	<b>deposition</b> 6:12, 16 7:5,9,17 8:2,5, 16 9:9,22 24:20			<b>ESL</b> 11:9 12:5
				<b>Esperanza</b> 51:6

<b>estimate</b> 13:15	59:5 64:11 65:12 88:17	<b>G</b>	93:2,24 94:8,17,23 95:4,5,12,17,19 96:7,12,23 97:6,25 98:8,15,19	17 10:8
<b>estimation</b> 54:2	<b>felt</b> 24:3 25:25 26:4 27:8,21,25 88:11 89:2	<b>Gandhi</b> 100:8	<b>grounds</b> 86:3 88:2 93:14	<b>hearings</b> 10:25
<b>ethnic</b> 33:12 67:3	<b>fight</b> 84:2,9 101:16	<b>Garcia</b> 4:10,15 105:1,9	<b>group</b> 77:12 95:15,17,25	<b>held</b> 12:3,8 40:19, 24 41:3 42:11,25 46:20 48:5 52:14 87:10
<b>event</b> 73:17	<b>file</b> 68:17,20,25	<b>Garden</b> 11:15	<b>Grullon</b> 51:8 53:7	<b>helping</b> 49:19
<b>events</b> 63:19	<b>filed</b> 68:6,13 81:2	<b>gatherings</b> 60:23 64:7,15 65:4,9	<b>guarantee</b> 53:18	<b>Henry</b> 7:19 15:6
<b>everyday</b> 79:22, 23	<b>find</b> 31:3	<b>gave</b> 37:12 62:16, 20,21	<b>guess</b> 20:22 56:15 80:13	<b>hierarchy</b> 16:22
<b>EXAMINATION</b> 4:6	<b>fine</b> 83:16	<b>generally</b> 15:9 69:8	<b>Guidance</b> 61:10	<b>high</b> 9:25 12:14, 15 83:13
<b>examined</b> 4:4	<b>finish</b> 5:14	<b>gentleman</b> 9:19	<b>guys</b> 79:8	<b>hippie</b> 102:15
<b>executive</b> 44:6 46:23 48:8,10,12, 16	<b>fire</b> 16:4	<b>gentlemen's</b> 36:25	<b>half</b> 23:5 41:2 42:18 48:15 102:12	<b>hired</b> 14:3,16,17 15:4 31:23 43:7 44:22 47:23
<b>exist</b> 67:14	<b>floor</b> 37:10 38:3,4, 9	<b>Germans</b> 70:10, 13,21,24	<b>halfway</b> 38:8	<b>hiring</b> 43:14,15
<b>exists</b> 33:14	<b>floors</b> 38:5,8	<b>gestures</b> 5:18	<b>Halloween</b> 102:13,14	<b>Hispanic</b> 32:7,14 33:9,11 47:17 53:4 66:9 71:24
<b>exodus</b> 56:4	<b>Florida</b> 38:9	<b>gift</b> 62:16,20,21 63:7	<b>hit</b> 18:10 31:8	<b>hold</b> 13:8,25 40:22 42:21
<b>explain</b> 22:17 87:11	<b>fluctuate</b> 16:15	<b>Gilberto</b> 4:10	<b>holiday</b> 59:24	<b>honestly</b> 22:11
<b>extend</b> 61:18,25 62:3	<b>focus</b> 13:20 49:11	<b>girls</b> 83:25 84:8	<b>hooded</b> 99:5	<b>hostile</b> 22:18
<b>F</b>	<b>focusing</b> 24:7 26:2	<b>Giscombe</b> 9:8,21 26:13,18 27:16 33:25	<b>handled</b> 17:3 72:18	<b>house</b> 60:7
<b>face</b> 24:23	<b>food</b> 58:22 59:2,3, 7,11 60:6,24 61:4, 14,16,24 62:8,9 63:14,21,25 64:5, 23 90:9,21 94:12 95:14,24 96:10	<b>give</b> 5:17 60:2	<b>happen</b> 18:24 64:9 73:4,14 92:21,22	<b>Huascar</b> 51:8
<b>fact</b> 71:19	<b>Foreign</b> 14:4,14 15:9 61:12	<b>giving</b> 5:16	<b>happened</b> 27:25 74:3 87:11 88:23 89:10,11 91:21 92:18 99:3	<b>hundred</b> 57:7 80:20 90:15
<b>fair</b> 10:22 18:19 33:7 65:14 83:5	<b>form</b> 60:20 62:14	<b>glasses</b> 103:16	<b>happy</b> 5:4,8	<b>hyphenate</b> 26:11
<b>familiar</b> 7:19 38:11 44:13 46:25 48:20 70:15 77:20 78:18	<b>formal</b> 35:6,25	<b>Good</b> 4:15,16	<b>Harlem</b> 12:16,17 13:7	<b>hypothetically</b> 18:10
<b>family</b> 29:22,24 95:20,21 105:23	<b>found</b> 35:20	<b>gossiping</b> 27:5	<b>head</b> 5:19 83:25	<b>I</b>
<b>Fanning</b> 7:12,13, 16 15:2 35:23 55:11,16,24 56:12 65:7,15 93:5 101:4,9 103:10 104:4	<b>fourth</b> 38:9	<b>grade</b> 81:22	<b>heads</b> 84:2	<b>identify</b> 34:21
<b>farce</b> 31:4	<b>fraternal</b> 40:14,15	<b>grades</b> 82:7,11,16 83:11	<b>hear</b> 5:20 30:16 89:18	<b>ignorance</b> 88:6
<b>fast</b> 5:3	<b>Friday</b> 39:24	<b>graduate</b> 83:12	<b>heard</b> 67:11 78:16 96:5,7,16,18,23 98:13,14,16	<b>ignorant</b> 88:12,14
<b>February</b> 71:4 72:22	<b>fried</b> 96:4 98:12	<b>grant</b> 5:8	<b>hearing</b> 9:13,14,	<b>immediately</b> 99:13
<b>fee</b> 39:2	<b>friends</b> 44:5	<b>greatest</b> 75:9		<b>impacted</b> 30:18
<b>feel</b> 24:7 58:23	<b>front</b> 9:13 58:17	<b>Greek</b> 47:11		<b>impromptu</b> 64:6
	<b> fucking</b> 72:24	<b>grit</b> 85:15		
	<b>full</b> 4:8	<b>grits</b> 84:17 85:13, 21,23,24 86:20 87:3,5,13,15,16, 18,19,20 89:21 90:4,24 92:11		
	<b>full-time</b> 50:9,11, 14,16			

<b>improper</b> 88:7 93:19	<b>Inside</b> 99:19	71:17 73:15	<b>L</b>	13:11 23:13 38:20 40:24 41:25 42:16, 25
<b>inappropriateness</b> 16:7 17:24 18:4 22:25 25:5,10 35:17 62:19 75:25 88:6	<b>Inspirational</b> 100:5	<b>involving</b> 17:13	<b>lactose</b> 77:7,12, 18 78:6,13 80:25 81:5	<b>looked</b> 50:5 52:21 65:11
<b>impropriety</b> 25:9	<b>institution</b> 15:21	<b>islands</b> 33:5 34:6, 9,11 72:12	<b>ladder</b> 75:17 76:4	<b>lost</b> 97:17
<b>inappropriate</b> 27:22 63:7 69:9 74:13 76:23 77:6 101:23	<b>instructed</b> 5:24	<b>isolated</b> 27:23	<b>ladies</b> 36:22,24	<b>loud</b> 5:17 104:14
<b>inappropriately</b> 71:12	<b>Instruction</b> 21:25	<b>issue</b> 97:12	<b>Language</b> 11:24 14:4,14 15:9 21:25 61:13	<b>louder</b> 104:2
<b>inappropriatenes</b> s 25:11	<b>intending</b> 98:19	<b>issues</b> 16:3,5,9, 12 17:13	<b>lunchtime</b> 61:5	
<b>incident</b> 20:19,21 72:23 73:2,7 74:4, 6,7 77:4 81:5 88:3, 4,16, 91:20 95:16	<b>interact</b> 62:12 63:21	<b>items</b> 22:19 33:22 89:19	<b>lying</b> 70:21 71:2	
<b>includes</b> 15:24	<b>interaction</b> 63:14	<b>J</b>	<b>M</b>	
<b>including</b> 61:7	<b>internship</b> 29:18	<b>January</b> 12:7,9, 11,23 13:21 14:25 21:20 36:10	<b>M-a-l-c-i-a-d-e-s</b> 47:12	
<b>individual</b> 10:3,6 25:20 30:3,20 31:23 44:8,14 47:2 51:13 52:2 70:16 75:18 77:21 78:19	<b>interpreted</b> 31:16 80:24	<b>Jerry</b> 78:19	<b>M-i-l-c-a-d-e-s</b> 47:6	
<b>individuals</b> 22:22 24:9,16 26:3 30:10 33:23 34:3,10 45:18 49:7,14 50:19 52:6,7 53:3 54:9,15 67:20,24 70:9 77:7 90:10	<b>intervention</b> 75:19,22,23 76:9	<b>job</b> 43:24	<b>made</b> 26:21 30:5, 10 35:4,19,20 59:21 67:16 74:12 77:6,14,16 80:3, 18,24 84:15,16 92:10,24,25 96:13 97:2 98:5	
<b>inflated</b> 82:16	<b>interview</b> 43:11, 17	<b>joined</b> 42:8 43:5 46:18	<b>main</b> 36:21 37:13 85:19 86:7	
<b>inflating</b> 82:6,10	<b>initially</b> 14:3,16 43:5	<b>Josh</b> 4:17	<b>maintained</b> 46:10 54:14	
<b>inform</b> 4:23 21:18 79:19	<b>intolerance</b> 77:18 80:25	<b>Joyce</b> 26:10	<b>major</b> 61:15	
<b>informally</b> 67:25	<b>intolerant</b> 77:8,12 78:6,14 81:5	<b>June</b> 39:10 56:17 57:13	<b>make</b> 58:7,9 61:24 62:2 63:10 69:9,25 84:14 95:11	
<b>information</b> 45:14 67:19	<b>investigate</b> 18:2, 18,20 19:9	<b>justice</b> 29:4	<b>making</b> 30:11 88:7 96:6 97:8 98:18	
<b>informed</b> 79:19	<b>investigating</b> 18:25	<b>K</b>	<b>Malcolm</b> 99:17, 22,24 100:10,14, 25 101:6,11	
<b>Infraction</b> 74:16, 17,25 75:14	<b>investigation</b> 16:6 19:5 20:18 27:2 28:8,12,15 35:22 67:5 82:10, 12,19,23 83:17,21	<b>kids</b> 96:6	<b>male</b> 51:13	
<b>infractions</b> 74:21	<b>investigations</b> 19:2,11,13, 20:17 26:15 35:19	<b>killing</b> 99:9	<b>males</b> 51:15	
<b>inhibit</b> 8:12	<b>investigators</b> 28:25	<b>kind</b> 35:7, 69:25 75:15	<b>Mallegan</b> 26:11	
<b>initially</b> 96:14	<b>invitation</b> 61:19	<b>kitchen</b> 29:18	<b>man</b> 77:11	
	<b>invite</b> 39:25 61:7 62:3 63:19 65:5	<b>knew</b> 63:3	<b>management</b> 76:14	
	<b>invited</b> 60:15 61:5,17,22	<b>knowing</b> 31:4	<b>mandated</b> 25:3, 19	
	<b>involved</b> 10:3	<b>knowledge</b> 9:16 32:24 33:3 34:2 42:10 45:11 46:20 47:18,19,22 50:17, 21 53:15,17 55:7 59:6 63:17 65:18 66:13,23 67:2,6,12 68:16,19,24 79:3 82:8,9 83:19 95:9, 24 97:5	<b>long</b> 12:3,18	

<b>mangu</b> 90:7,12	<b>mentioning</b> 27:10	<b>moving</b> 49:19	<b>offered</b> 21:23 22:2,3 43:24 85:3 90:12,17,20,23	<b>outcome</b> 16:8
<b>manner</b> 80:25 103:6	<b>met</b> 6:17,24 43:13, 20,21	<b>murder</b> 98:24	<b>Ozone</b> 4:13 55:2	<hr/> <b>P</b>
<b>Manrique</b> 51:2 53:6 54:18 55:8 57:2 58:15 85:5 86:15,16,18 89:6, 17 92:22	<b>middle</b> 13:5,9,12 22:10 81:25	<b>music</b> 104:11,21, 23 105:2	<b>offhand</b> 19:24 34:12 72:13	
<b>Martin</b> 98:24,25 99:10	<b>Milcades</b> 47:6	<hr/> <b>N</b>	<b>office</b> 9:10,12 18:9 19:2,10,12,19 20:16,19,20 24:24	<b>P-e-p-i-n</b> 47:12
<b>matter</b> 18:2,18 19:9 27:19 77:2 84:24	<b>Milciades</b> 47:10	<b>named</b> 44:14 47:2 51:13 70:16 77:21 78:19	26:15,21 27:14 28:7,23,25 29:5 36:11,13,14,19 37:2,7,16,24 38:2, 3 55:2,4 57:23	<b>Padva</b> 22:6
<b>matters</b> 17:4 71:23	<b>million</b> 29:23	<b>names</b> 50:25 65:22	58:17,20 60:18 61:10 68:9 76:11 79:9 84:20 85:19	<b>paid</b> 50:7 100:5
<b>Mayo</b> 47:2	<b>mine</b> 17:21 100:18	<b>nationality</b> 45:16 53:24	86:7,19 89:7,14 90:20 91:8 99:17, 19 100:17	<b>pants</b> 103:17
<b>meal</b> 59:18	<b>Minigatos</b> 78:19, 20 79:13,15 80:6, 14,21 84:11,14 85:7,8 88:24 91:8, 10,18 92:4,8,23	<b>nature</b> 8:18	<b>network</b> 11:10,18 12:6 22:4 54:20, 23,24 55:10 79:18	<b>parameter</b> 19:4
<b>Meaning</b> 58:12	<b>minimum</b> 49:24	<b>networks</b> 11:15	<b>officer</b> 9:13	<b>parent</b> 76:12,13
<b>medication</b> 8:11	<b>minor</b> 99:11	<b>nigger</b> 72:25 74:9 76:21	<b>offices</b> 21:3	<b>parents</b> 34:8,19 41:18 72:12 105:17,21
<b>meet</b> 6:15 7:3 39:21	<b>misconduct</b> 18:20,22,23 21:17 25:11	<b>nods</b> 5:18	<b>official</b> 38:25 40:19 46:21 48:5	<b>Park</b> 4:14 55:2
<b>meetings</b> 39:3	<b>misinterpret</b> 76:21	<b>Notary</b> 4:4	<b>officially</b> 14:23 67:5,13	<b>part</b> 8:15 9:21 10:10 48:9,12,16 61:13 88:6
<b>Melissa</b> 4:19 102:6	<b>misinterpretatio</b> n 76:22	<b>notice</b> 65:8	<b>online</b> 20:25 21:2 82:14,25,83:7	<b>parties</b> 63:19
<b>member</b> 8:21,22, 25 17:20,24 29:17 38:18,20,22,25 39:2, 40:4, 41:6, 22,23,24 42:2,7 46:15,17 48:3 66:15 77:23	<b>misinterpreted</b> 31:13 76:17	<b>noticed</b> 26:23	<b>open</b> 39:16 60:13	<b>parts</b> 33:5
<b>members</b> 17:17 33:8,9,15,17,19 36:5 44:6 51:18 53:11 58:22 59:13 60:10,13	<b>misinterpreting</b> 59:9	<b>November</b> 59:17	<b>opened</b> 60:19	<b>party</b> 102:23 103:2
<b>membership</b> 39:18	<b>mistaken</b> 56:21 57:9 90:5	<b>number</b> 36:15,17 37:11 54:2 65:8 99:12	<b>opportunity</b> 4:22 19:20 20:4 21:23 24:24 68:10	<b>past</b> 10:24
<b>memo</b> 35:11 63:4	<b>mixed</b> 32:2,10 34:4	<hr/> <b>O</b>	<b>order</b> 58:10,22 61:3 86:12,14	<b>pattern</b> 28:17
<b>mention</b> 53:9,12 89:21	<b>Mohammed</b> 100:8	<b>oath</b> 4:23 24:20	<b>ordered</b> 86:20 100:4	<b>pay</b> 97:9 100:4
<b>mentioned</b> 14:13 17:12 20:16 24:3 33:24 34:16 35:3 53:14 54:17 65:20 67:21,25 84:18 93:11 95:2,23	<b>moment</b> 88:19 97:10	<b>Obama</b> 100:9	<b>ordering</b> 85:20 86:9,11 98:22	<b>paying</b> 39:2,4
	<b>month</b> 39:23,24	<b>objection</b> 5:22 41:11 42:3 98:21	<b>organization</b> 38:12 39:7,14,16, 20 40:14,15,17 41:5 42:12,21 44:7	<b>peace</b> 103:17
	<b>monthly</b> 39:9	<b>occasions</b> 26:13 31:21	<b>organizational</b> 16:22	<b>pending</b> 5:11
	<b>morning</b> 4:15,16 88:25 89:11,12,20, 25 90:22,25 92:2 93:7	<b>occurred</b> 60:24	<b>originally</b> 34:7	<b>people</b> 25:25 28:17 32:18 33:4 40:2 55:20,21 56:5 67:11 70:2,20
	<b>move</b> 55:23	<b>October</b> 39:10	<b>OSI</b> 19:11, 20:23 29:6 30:9 68:10 83:18	<b>Pepin</b> 47:3,6,13, 17,19,22,25 48:3
	<b>moved</b> 55:20,22 58:19 81:22 105:17,23,25	<b>OEO</b> 19:18 20:2,3	<b>perceive</b> 98:11	
		<b>offended</b> 88:17 89:2	<b>percent</b> 53:16 54:2 57:7 80:20 90:15	
		<b>offensive</b> 76:24 98:20	<b>Perdomo</b> 51:4 53:6	

<b>perfectly</b> 5:7	40:20 41:4 42:11, 14,21	29:8,12 39:8,22 40:17 102:2	<b>questioning</b> 94:17 95:3	4,6,12 76:16 78:4 81:6,8 93:10 98:23 99:5, 100:14,24 101:4, 102:8,12,13 103:3,9,24
<b>period</b> 13:20 21:8 55:16,19 80:9	<b>post</b> 100:19	<b>program</b> 82:14	<b>questions</b> 4:24 9:11 13:19 26:24 27:8,21 29:14 83:6	<b>recalling</b> 59:16
<b>periodically</b> 39:9	<b>poster</b> 99:16 100:14,22,25 101:6,11	<b>progressive</b> 76:6	<b>quick</b> 23:22 105:6	<b>receive</b> 75:13
<b>person</b> 30:22,24 31:5 32:19,20 49:21	<b>posters</b> 99:21 100:2,5,12,18	<b>projects</b> 83:25 84:8	<b>quietly</b> 89:16 91:3	<b>received</b> 21:16 30:8
<b>personally</b> 61:9 63:15	<b>power</b> 101:17	<b>proper</b> 21:3 62:24	<b>quote</b> 72:24	<b>recently</b> 11:12
<b>pertaining</b> 20:20	<b>preparation</b> 6:16	<b>protocol</b> 73:21 74:22 83:4	<b>quotes</b> 100:6	<b>recess</b> 66:22 105:8
<b>Philip</b> 7:23 8:22 9:25 12:13,19,24 13:21 22:14 38:24 45:6 72:7 97:18	<b>prepare</b> 6:11 7:4, 8 8:5	<b>provide</b> 5:14 6:5 11:16 19:3 62:14	<b>R</b>	<b>recollection</b> 65:18 86:6
<b>phrase</b> 12:5	<b>present</b> 40:5 92:13,15	<b>provided</b> 60:5	<b>race</b> 33:17,18,21 70:6 96:10	<b>record</b> 4:9 6:22, 23 9:3 27:13 87:8, 9,10
<b>pick</b> 102:10,18,19, 21	<b>presentation</b> 20:6	<b>public</b> 4:4 9:3 70:25	<b>races</b> 33:13	<b>Recording</b> 40:23
<b>place</b> 23:6,10 24:2 61:4	<b>presented</b> 10:13 25:14	<b>punishment</b> 18:11	<b>racial</b> 67:3,17 93:23	<b>records</b> 27:11,12 72:19,20,21 89:15
<b>placement</b> 37:16, 18	<b>President</b> 42:15, 17,20,24 43:4	<b>purchased</b> 59:12, 14 64:23	<b>racially</b> 93:19	<b>refer</b> 70:9 101:13, 23
<b>plate</b> 60:21	<b>prevent</b> 8:8	<b>purpose</b> 62:9,11	<b>racist</b> 69:9	<b>reference</b> 27:15 90:24
<b>play</b> 61:15 104:11, 23	<b>prevention</b> 16:11	<b>purposely</b> 59:21	<b>radio</b> 104:2,7,11, 12,13,17	<b>referenced</b> 72:4 84:11,17 93:2
<b>playing</b> 103:25 104:14	<b>previous</b> 10:16	<b>put</b> 61:3 63:2,3 84:8 99:16,21,25 100:18 101:2,6,11	<b>raised</b> 105:12,14	<b>referral</b> 75:17
<b>pocket</b> 60:6	<b>Principal</b> 7:14,22 14:2,21,23,25 15:5, 17:8,10,25 18:17 19:8 21:12, 18 35:6 36:4 41:7 44:16,20 47:14,23 51:19,23 55:12,17 58:21 65:8,23,25 69:21 78:22 81:9, 10	<b>putting</b> 100:14,19 102:15,20	<b>Randolph</b> 8:23 9:25 12:13,19,25 13:21,24 14:11 22:15 32:2 37:7 38:24 41:8 44:2,17 46:7,10 47:14 49:6,9,12 50:15,22 52:8,18 54:11,12, 13 55:8 57:21 66:2 69:21 70:9,17 72:8 77:24 80:23 97:19	<b>referrals</b> 73:21,22 74:23
<b>point</b> 16:15,18 23:2,4 28:13 31:7 82:20 87:23 88:10 103:24	<b>Principal's</b> 76:11	<b>pyramid</b> 16:21	<b>range</b> 75:3,23	<b>referred</b> 20:5 47:2 70:12,20
<b>points</b> 21:12	<b>principals</b> 21:13	<b>Q</b>	<b>rangef</b> 75:16	<b>referring</b> 37:19 58:2 88:21
<b>poor</b> 62:2	<b>prior</b> 12:11,25 13:3 14:20 25:24 37:9 38:2, 41:3 42:20 43:7,14 46:6 54:10,12 97:4,7,24	<b>question</b> 5:3,5, 11,14,25 6:7 20:22 25:24 26:22 27:7 29:25 43:13 44:24 45:2,22 47:24 56:15 58:24 64:2, 25 65:17 77:13,15 80:13 84:5 89:8 91:4 93:22 94:24 95:8 97:23 98:4 100:13	<b>realize</b> 97:16 98:8	<b>register</b> 5:18
<b>population</b> 29:22 31:25	<b>private</b> 9:5,6	<b>questioned</b> 82:13,21 83:2	<b>realized</b> 28:16	<b>regulation</b> 63:6
<b>portion</b> 32:4,12, 13	<b>privy</b> 67:18	<b>professional</b>	<b>reason</b> 5:2 8:7 48:18 50:2 58:25 91:22	<b>regulations</b> 20:8
<b>posed</b> 6:2	<b>procedure</b> 83:3		<b>reassigned</b> 19:7	<b>related</b> 10:24 80:2 82:13,23 83:6,9
<b>position</b> 11:21 12:4, 13:8,24 14:22 22:2,3,7 40:22,25 42:23 43:2,18 48:7,9,11 49:2 50:7,9 58:6 81:23	<b>proceeding</b> 8:19 10:4		<b>relates</b> 80:17	<b>relevant</b> 24:17,21
<b>positions</b> 15:12			<b>recall</b> 26:4,12 28:21,22 51:18 56:24 57:2 58:18 64:10 72:22 73:2,	<b>remember</b> 9:18 10:7 13:14 19:25 29:16 34:12 36:15, 18 43:6 46:19 48:7,8,9,10,19 69:6 72:13 74:3

85:7 89:12,13 90:6 91:7,23 93:9 97:18 99:23 100:7,10,19, 21 102:20 103:22, 23 104:4	<b>roof</b> 38:10 <b>room</b> 36:15,24,25 37:10,22 38:9 <b>rooms</b> 37:17 <b>rounding</b> 12:20 <b>Rubio</b> 7:20,22,25 15:6 31:23 35:10 41:7,20 42:10 43:7,10,14,20 44:3,11,22 47:23 58:21 59:12,15 63:18 65:16 68:2, 17,20 69:2,5 81:14 82:5,20 <b>Rubio's</b> 35:5 57:22 83:19 <b>rude</b> 49:4 50:3 <b>rule</b> 63:6 <b>rumor</b> 25:16 <b>rumors</b> 27:4 67:11,16	83:18 <b>seconds</b> 94:16 <b>secretary</b> 40:23 72:7,16 <b>security</b> 14:3,14, 17 15:9,14,18,23 20:12,13 21:10 71:5 73:19 <b>semester</b> 82:4 <b>send</b> 28:10 <b>sense</b> 62:10 77:14 <b>September</b> 13:17 <b>serve</b> 11:25 <b>services</b> 11:9,13, 22 12:4 52:24 <b>set</b> 74:22 <b>sharing</b> 100:18 <b>rumors</b> 27:4 67:11,16	<b>solution</b> 104:15 <b>Sonya</b> 26:7 <b>sort</b> 26:2 63:13 64:15 97:2 <b>sourced</b> 11:12 <b>South</b> 94:12 95:19 <b>southern</b> 94:12 <b>space</b> 37:3,4,8 60:2 64:20 <b>Spanish</b> 66:11 <b>speak</b> 5:2 7:8,11, 25 45:16 79:13 <b>speaking</b> 78:4 101:5,10 <b>Special</b> 19:12,16 20:17 26:15 28:8 <b>specifically</b> 39:12 72:18 74:3 80:2 91:23 99:22 100:10,13 <b>speculation</b> 41:12 42:4 <b>spell</b> 47:8 <b>spoke</b> 66:11 92:5, 9 <b>spoken</b> 7:16 <b>staff</b> 8:21,22,25 15:24,25 16:6 17:13,16,20,24 20:7 21:11 27:4 29:17 30:15,17 32:10,12,14 33:8,9 <b>sister</b> 101:14,17, 19,24 <b>sit</b> 85:10 <b>sitting</b> 74:2 <b>situated</b> 37:23 <b>situation</b> 9:20 25:14 27:24 31:3 41:16 63:3 85:13, 16 <b>situations</b> 29:15 <b>social</b> 62:8,12 63:14 <b>solidarity</b> 99:8	<b>stating</b> 78:5 <b>station</b> 104:11 <b>stayed</b> 31:15 44:2 55:24 <b>staying</b> 95:21 <b>Stenna</b> 26:10,18 30:6 33:25 68:11, 13 <b>steps</b> 31:19 <b>stereotype</b> 78:12 94:22 95:10 <b>stereotypical</b> 70:2 93:23 94:7 96:3,10 98:7,9 <b>stop</b> 15:22 <b>story</b> 31:6 102:12 <b>student</b> 11:8,22 12:4 18:9,13,14 27:12,14 31:25 52:24 64:21 71:9, 12,14,24,25 72:21, 23 73:15 74:8 76:10 82:6,11 83:10 <b>student's</b> 76:18 <b>students</b> 14:10 15:24,25 16:5,10 17:4 32:7 71:22 83:6 99:4,12 102:24 <b>stuff</b> 9:4 97:22 <b>stupid</b> 72:24 74:8 <b>subject</b> 28:11,14 35:6,11,21,24 <b>subjected</b> 66:25 <b>substantiate</b> 92:21 <b>substantiated</b> 23:4 <b>suit</b> 103:15 <b>summer</b> 43:16 82:14,24 <b>summons</b> 29:2 <b>Superintendent</b> 11:16 76:2
<b>reprimanded</b> 70:25	<b>S</b>			
<b>Republic</b> 34:20 105:18,20,22,24	<b>safety</b> 15:15,18, 23 16:3 <b>sanity</b> 22:12 <b>scarves</b> 84:2 <b>scheduled</b> 80:8, 11 <b>school</b> 7:14,15 8:23 9:25 12:14,15 13:5,9,12 14:7,25 15:5 16:13 19:8 22:10,13 27:3 28:19 33:9,10 36:5 46:10 49:16 55:5, 13 56:12,16 57:11, 14 58:5,8,13,22 59:2,8,11 60:8,24, 25 63:20 64:16,19 69:16 72:19,20 74:22 81:14,20 82:2 83:14,20 97:13 99:4,20 102:9,24 <b>schools</b> 11:13,17, 25 49:10 55:6 <b>roles</b> 49:14			
<b>requested</b> 27:10, 11				
<b>required</b> 4:24 20:10				
<b>respectful</b> 30:19, 22				
<b>response</b> 16:4 27:17 29:21 87:22, 23				
<b>responsibilities</b> 15:10 71:8				
<b>responsible</b> 17:15 21:6				
<b>result</b> 35:7				
<b>revolving</b> 68:11				
<b>reward</b> 94:24				
<b>Rockaway</b> 4:13				
<b>role</b> 14:18 61:16				
<b>roles</b> 49:14				

<b>supervise</b> 61:11	<b>terms</b> 22:12 41:16 49:18	<b>72:11</b> 80:4 84:23 91:8, 92:10 93:12 104:16,25	<b>V</b>	<b>21:24</b> 30:15 46:7 49:22 54:25 58:20 79:4,6,8 81:21
<b>supervised</b> 16:23 17:10 36:5,8 60:11 61:14	<b>testified</b> 4:5 9:9, 14 10:23 97:24	<b>tone</b> 94:14	<b>vacation</b> 80:10,12	<b>worked</b> 12:13,23, 24 13:5,13,20 29:17 50:20 52:7 53:21 58:12 99:18 100:16
<b>supervisor</b> 14:6, 15 60:17 79:16,17	<b>testify</b> 8:12 10:14, 15,21	<b>totally</b> 31:4 85:14 101:25	<b>valid</b> 28:20	<b>working</b> 13:17 38:24 49:6,13 52:17 54:10 57:21 58:16 60:17 69:20, 23 70:8 80:22 86:18
<b>Supervisors</b> 38:15 40:8	<b>testifying</b> 8:8	<b>touch</b> 44:2	<b>Vasoline</b> 84:8	<b>workplace</b> 69:10, 12
<b>support</b> 11:13,17 49:16 55:5 58:2 59:19	<b>testimony</b> 10:23	<b>track</b> 57:8	<b>verbally</b> 18:11	<b>works</b> 54:19
<b>supportive</b> 49:18	<b>thankning</b> 59:19	<b>treated</b> 70:5 71:22	<b>verified</b> 45:14	<b>world</b> 33:6
<b>supposed</b> 87:16, 19	<b>Thanksgiving</b> 59:17,22	<b>Trevon</b> 98:24 99:9	<b>Vice</b> 42:24 43:4	<b>worry</b> 31:11
<b>supposedly</b> 25:18	<b>thing</b> 5:13 49:20 97:14	<b>true</b> 82:5 94:21 95:10	<b>vicinity</b> 100:15	<b>write</b> 15:17
<b>suspended</b> 35:11	<b>things</b> 5:19 24:22 25:17 26:25 45:19 97:14	<b>truthfully</b> 4:25 8:8,13	<b>Virginia</b> 32:21	<b>wrong</b> 31:12,14, 17 88:18
<b>suspension</b> 76:2	<b>thought</b> 88:5,9 97:11	<b>turned</b> 85:22,25	<b>volume</b> 104:2	
<b>sweatshirts</b> 99:5	<b>threw</b> 104:16,17	<b>type</b> 62:18 69:19 73:17 94:22	<b>W</b>	
<b>sworn</b> 4:3	<b>throw</b> 31:7	<b>types</b> 63:18	<b>wait</b> 15:16 28:18	
<b>system</b> 20:25 21:2 76:7	<b>tie</b> 103:15	<b>typical</b> 94:12	<b>walls</b> 100:2,18	
<b>T</b>	<b>time</b> 5:6,20 7:14, 23 9:24 10:10,23 13:20,25 14:11,24 15:4 21:8,9 23:16 26:14 27:17,18,22 28:9 37:6 42:15,18 43:19 44:17 47:14 55:3,16,19 64:11 71:5 75:19 76:5 79:24 80:9 82:7 86:18 92:12,13 95:19 96:13 97:18 104:7	<b>U</b>	<b>wanted</b> 86:12,13 89:22,25	
<b>tactful</b> 88:14	<b>times</b> 16:8 17:25 18:17 19:3 22:20 24:4 26:23 28:4 32:18 59:2,7 60:6, 19,21 63:22 64:17 67:21 90:19 94:13	<b>understanding</b> 26:19 34:5 41:15, 19 45:23,25 65:3 83:15	<b>watched</b> 22:19 24:4	
<b>talk</b> 15:17	<b>titles</b> 40:20 46:21 48:5	<b>understood</b> 6:6	<b>watching</b> 22:22	<b>Y</b>
<b>talked</b> 71:7	<b>today</b> 8:9 13:19 25:4 72:5 74:2 80:8,14	<b>unfortunate</b> 99:9	<b>watermelon</b> 96:21	<b>year</b> 16:15,16 20:7 22:10 28:19 29:23 41:2 42:18 43:15, 16 48:15 55:21,24 56:2,12,16 57:11, 14 58:5,8 64:19 75:4 76:3 82:2 100:12
<b>talking</b> 36:23 47:4 72:3	<b>today's</b> 6:12,16 7:5,8 8:2,5	<b>union</b> 40:10,11,12	<b>Waters</b> 77:21 78:5	<b>yearly</b> 21:14 58:5
<b>tasks</b> 15:11	<b>told</b> 59:25 65:21	<b>United</b> 41:17	<b>wear</b> 83:25	<b>years</b> 12:21 20:14 23:5 50:19 69:22 88:21,22 98:23 102:8
<b>Tatiana</b> 51:2 54:18		<b>unity</b> 99:9	<b>wearing</b> 99:5 102:9	<b>York</b> 4:12,14,20 5:21 11:6 32:21 34:8,18 105:10,12, 17
<b>teacher</b> 18:12, 54:20,22 70:17 75:24		<b>Unprofessional</b> 29:10	<b>woman</b> 30:18,21	
<b>teachers</b> 36:8 61:19		<b>unsubstantiated</b> 35:9,21	<b>word</b> 18:3 76:21, 23,24	
<b>Team</b> 16:4		<b>upstairs</b> 49:19	<b>words</b> 88:19	
<b>telling</b> 76:16 92:20			<b>work</b> 11:7,16,19 12:12,18 13:4,11	
<b>tenure</b> 35:5 57:22				
<b>term</b> 48:21 70:24				
<b>terminology</b> 17:2				